

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**FINTIV, INC.,**

**Plaintiff,**

**v.**

**APPLE INC.,**

**Defendant.**

**6:21-cv-00926-ADA**


**ORDER**

Came on for consideration this date is Plaintiff Fintiv, Inc.'s Emergency Motion for Reopening of Discovery, Trial Continuance, and Sanctions. ECF No. 431 (the "Emergency Motion"). Fintiv filed the Emergency Motion a little more than a week before jury selection. Because of that timing, and the seriousness of the allegations in the Emergency Motion, the Court finds that a continuance of the trial is necessary to permit a full and fair airing of the issue and adjudication as to whether the newly found evidence justifies re-opening fact discovery at this late stage. The parties should proceed to brief the Emergency Motion as normal; the Federal Rules of Civil Procedure and the relevant Local Rules will control the briefing schedule and page limits.

The Court **ORDERS** that trial in the above captioned matter is continued pending resolution of the Emergency Motion. The Court will reset the trial date shortly after ruling on the Emergency Motion.

The Court further **ORDERS** that jury selection set for Thursday, June 16, 2022 and trial set for Tuesday, June 21, 2022 are hereby **VACATED**.

SIGNED this 7th day of June, 2022.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE